

**IN THE DISTRICT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

EVELYN ROMULUS AND IVAN CHINNERY,)	
)	
Plaintiffs,)	CIVIL NO. 10-cv-64
v.)	
)	
THE BANK OF NOVA SCOTIA,)	
)	
Defendant.)	
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ORDER

Before the Court is defendant Scotiabank’s motion for a protective order, seeking to limit the topics to be covered in the deposition of Karen Christensen. Defendant contends Christensen, a former paralegal of Scotiabank’s counsel, communicated with Scotiabank and its employees, was privy to communications between Scotiabank and Scotiabank’s counsel, and was privy to the opinions and strategies of Scotiabank’s counsel.

Pursuant to Fed. R. Civ. P. 26(b)(1) “[p]arties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense. . . .” Whether material is privileged is a matter of federal law and is governed by FRE 501.¹ Attorney-client privilege and the work-product doctrine protect the privileged information within the knowledge and possession of a paralegal.² Thus, Fed. R. Civ. P. 26(b)(1) by its terms already protects any privileged information in possession of Christensen from being disclosed at deposition. Thus, the present motion is

¹See *United States v. Liebman*, 742 F.2d 807, 809 (3rd Cir. 1984).

²See *Upjohn Co. v. United States*, 449 U.S. 383, 395-98 (1981) (attorney-client privilege and work product doctrine protect the work and communications of attorneys); *Gould, Inc. v. Alter Metals Co.*, 1993 WL 394765 at *1 (D. Ill. 1993) (explaining that the work product doctrine covers paralegal work product); *Olive v. Isherwood, Hunter & Diehm*, 656 F. Supp. 1171, 1173 (D. V.I. 1987) (attorney-client privilege applies to bar member “subordinates”).

premature, as no privileged communication or other protected material has yet been sought.

Therefore, it is hereby,

ORDERED that Defendant's Motion for a protective order is DENIED without prejudice.

S_____
RUTH MILLER
United States Magistrate Judge